

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on October 15, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Betty A. Bennett
William C. Bryant, III
George A. Daniel
Erlita Joanne Wang

Staff present for all or part of the meeting were:

Mark Courtney, Deputy Director
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Board Administrator
Amy Goobic, Administrative Assistant
Victoria Traylor, Legal Analyst

Elizabeth Peay, Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Mr. Daniel, Chair, called the meeting to order at 10:00 a.m.

Mr. Daniel advised the Board of the board room emergency evacuation procedures.

Mr. Bryant moved to approve the agenda. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

Mr. Bryant moved to approve the minutes from the following meetings:

- July 16, 2009, Auctioneers Board meeting
- July 23, 2009, Informal Fact-Finding Conference
- August 20, 2009, Informal Fact-Finding Conference

Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

Public Comment Period – There were no comments made to the Board.

Mr. Michael was present to address the Board. Mr. Michael gave a brief

Call to Order

Emergency Evacuation Procedures

Approval of Agenda

Approval of Minutes

Public Comment Period

File Number 2009-

background on his licensing situation, and also on his auctioneering career.

04594, Vern Dennison Michael

Regarding **File Number 2009-04594, Vern Dennison Michael**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts, exhibits and the Summary of the Informal Fact-Finding Conference. Mr. Bryant moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, and deny Mr. Michael's request to be issued a license without requirement of re-examination. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

Mr. Bryant recused himself from the meeting as he had a previous business relationship with the respondent.

File Number 2009-03174, Torrence Read & Forehand Auctions, LLC

Regarding **File Number 2009-03174, Torrence Read & Forehand Auctions, LLC**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Ms. Traylor informed the Board that Torrence Read & Forehand Auctions, LLC, had no prior violations. Ms Wang moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, finding no violation of the Board's regulations. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

Regarding **File Number 2009-03528, Luper Auction Galleries, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Luper Auction Galleries, Inc. Ms. Bennett moved to accept the Consent Order which cites the following violation of the Board's regulations: 18 VAC25-21-150.C (Count 1). For this violation, Luper Auction Galleries, Inc. agrees to the following sanctions: \$1,500.00 (six violations at \$250.00 each) for the violations contained in Count 1, as well as \$150.00 in Board costs, for a total monetary penalty of \$1,650.00. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

File Number 2009-03528, Luper Auction Galleries, Inc.

Ms. Brooks updated the Board members on the fast track regulation regarding credit cards. The regulation was effective October 1, 2009. Ms. Brooks also provided the Board members with public comments that had been posted on Town Hall regarding the language of the new regulation. The Board will consider the comments during the General Review of the Board's regulations.

Regulation Update

Board members were also provided with a public comment from Mr. Frank MaGann regarding a military exemption for reserve military

personnel. Ms. Brooks referred to §54.1-117 of the *Code of Virginia*, which addresses emergency exemptions for military personnel. Ms. Brooks will respond to Mr. MaGann's concerns.

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of Compliance
and Investigations
Divisions Activity**

The Board members were provided with the Board financial statements for informational purposes.

**Review of Financial
Statements**

Ms. Bonnie Rhea-Adams, Director, Complaint Analysis and Resolution, gave a presentation on the structure of the Compliance and Investigations Division and the complaint process.

**Compliance &
Investigations
Enforcement Training**

Ms. Brooks provided the Board with copies of the Fall 2009 newsletter for comment. Ms. Brooks asked that if the members recommended any changes to the newsletter to let her know within two weeks.

Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:20 a.m.

Adjourn

George Daniel, Chair

Jay W. DeBoer, Secretary